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From the INTERNATIONAL SEARCHING AUTHORITY	PCT
To: ETUDES ET PRODUCTIONS SCHLUMBERGER  1, rue Henri Becquerel BP 202 F-92142 Clamart Cedex FRANCE	NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION Chapter I FAIT  Delai writen Opinion: 25-10-6  (PCT Rule 44.1)  Date of mailing (day/month/year) 125/07/2005
Applicant's or agent's file reference	
WO 21.1185	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No.	International filing date
PCT/EP2004/012189	(day/month/year) 26/10/2004
Applicant	
SERVICES PETROLIERS SCHLUMBERGER	
Where? Directly to the International Bureau of WIPO, 34 1211 Geneva 20, Switzerland, Fa For more detailed instructions, see the notes on the accordance.  The applicant is hereby notified that no international search Article 17(2)(a) to that effect and the written opinion of the In  With regard to the protest against payment of (an) addition	s of the International Application (see Rule 46): nally 2 months from the date of transmittal of the details, see the notes on the accompanying sheet.  chemin des Colombettes scimile No.: (41–22) 740.14.35 mpanying sheet.  report will be established and that the declaration under ternational Searching Authority are transmitted herewith. nal fee(s) under Rule 40.2, the applicant is notified that: n transmitted to the International Bureau together with the est and the decision thereon to the designated Offices. filicant will be notified as soon as a decision is made.  e international application will be published by the publication, a notice of withdrawal of the international ureau as provided in Rules 90bis.1 and 90bis.3, respectively, all publication.  written opinion of the International Searching Authority to the such comments to all designated Offices unless an stablished. These comments would also be made available to rity date.  ne designated Offices, a demand for international preliminary entry into the national phase until 30 months from the priority within 20 months from the priority date, perform the prescribed ces.
Guide, Volume II, National Chapters and the WIPO Internet site.	
Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2  NL-2280 HV Rijswijk  Tel. (+31-70) 340-2040, Tx. 31 651 epo ni, Fax: (+31-70) 340-3016	Authorized officer  Alex Schmidt

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### **NOTES TO FORM PCT/ISA/220**

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

#### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international policition. Furthermore, it should be emphasized that provisional protection is available in some States only.

### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the International application is to be published.

## What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

Notes to Form PCT/ISA/220 (first sheet) (January 1994)

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## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

## The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

- [Where originally there were 48 claims and after amendment of some claims there are 51]:
   "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
- [Where originally there were 15 claims and after amendment of all claims there are 11]:
   "Claims 1 to 15 replaced by amended claims 1 to 11."
- [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
   "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
  - "Claims 7 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
- 4. [Where various kinds of amendments are made]: "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

#### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

## It must be in the language in which the international appplication is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

#### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

## Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide

Notes to Form PCT/ISA/220 (second sheet) (January 1994)

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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

ACTION as well as, where applicable, item 5 below.  International application No. International filing date (day/month/year) (Earliest) Priority Date (day/month/year)  PCT/EP2004/012189 26/10/2004 27/10/2003  Applicant  SERVICES PETROLIERS SCHLUMBERGER  This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.  This International Search Report consists of a total of3 sheets.  It is also accompanied by a copy of each prior art document cited in this report.  1. Basis of the report  a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).	see Form PCT/ISA/220		FOR FURTHER	Applicant's or agent's file reference	App		
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## INTERNATIONAL SEARCH REPORT

International Application No PCT/EP2004/012189

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C. DOCUMI	ENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the rel	evant passages	Relevant to claim No.
Х	WO 01/70646 A (SOFITECH N.V; SCHL CANADA LIMITED; COMPAGNIE DES SER DOWE) 27 September 2001 (2001-09-cited in the application page 3, line 7 - line 35 page 5, line 3 - line 8 tables 3,4,7,8 figure 1 claims 1-7	RVICES	1-7
A	WO 03/068708 A (SERVICES PETROLIE SCHLUMBERGER; SCHLUMBERGER TECHNO SCHLUMB) 21 August 2003 (2003-08- cited in the application claims 1-12	DLOGY B.V;	1-7
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## INTERNATIONAL SEARCH REPORT

Information on patent family members

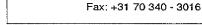
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Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 0170646	A	27-09-2001	FR AT AU CA DE WO EP US	2806717 A1 276214 T 5040201 A 2406183 A1 60105569 D1 0170646 A1 1268361 A1 2004211341 A1	28-09-2001 15-10-2004 03-10-2001 27-09-2001 21-10-2004 27-09-2001 02-01-2003 28-10-2004
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## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY  $\mathsf{PCT}$ WRITTEN OPINION OF THE see form PCT/ISA/220 INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) Applicant's or agent's file reference FOR FURTHER ACTION see form PCT/ISA/220 See paragraph 2 below International application No. International filing date (day/month/year) Priority date (day/month/year) PCT/EP2004/012189 26.10.2004 27.10.2003 International Patent Classification (IPC) or both national classification and IPC C04B28/04, C04B28/18, C04B18/08 Applicant SERVICES PETROLIERS SCHLUMBERGER This opinion contains indications relating to the following items: 1. Box No. I Basis of the opinion ☑ Box No. II Priority ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☐ Box No. IV Lack of unity of invention Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement ☐ Box No. VI Certain documents cited ☐ Box No. VII Certain defects in the international application ☐ Box No. VIII Certain observations on the international application 2. **FURTHER ACTION** If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. Authorized Officer Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2

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# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/EP2004/012189

		·
	Box N	o. I Basis of the opinion
1.		egard to the <b>language</b> , this opinion has been established on the basis of the international application in inguage in which it was filed, unless otherwise indicated under this item.
	la	his opinion has been established on the basis of a translation from the original language into the following nguage , which is the language of a translation furnished for the purposes of international search ender Rules 12.3 and 23.1(b)).
2.	With r	egard to any <b>nucleotide and/or amino acid sequence</b> disclosed in the international application and sary to the claimed invention, this opinion has been established on the basis of:
	a. type	e of material:
		a sequence listing
		table(s) related to the sequence listing
	b. forn	nat of material:
		in written format
		in computer readable form
	c. time	of filing/furnishing:
		contained in the international application as filed.
		filed together with the international application in computer readable form.
	, 🗆	furnished subsequently to this Authority for the purposes of search.
3.	ha Co	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto as been filed or furnished, the required statements that the information in the subsequent or additional opies is identical to that in the application as filed or does not go beyond the application as filed, as opropriate, were furnished.
4.	Additio	onal comments:
	Box N	o. II Priority
1.	de re	ne validity of the priority claim has not been considered because the International Searching Authority bes not have in its possession a copy of the earlier application whose priority has been claimed or, where quired, a translation of that earlier application. This opinion has nevertheless been established on the ssumption that the relevant date (Rules 43 <i>bis</i> .1 and 64.1) is the claimed priority date.
2.	h	nis opinion has been established as if no priority had been claimed due to the fact that the priority claim as been found invalid (Rules 43 <i>bis</i> .1 and 64.1). Thus for the purposes of this opinion, the international ing date indicated above is considered to be the relevant date.
3.	Additio	onal observations, if necessary:

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Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

No:

No:

Claims

Claims

1-7

Inventive step (IS)

Yes: Claims

1-7

Industrial applicability (IA)

Yes: Claims

1-7

No: Claims

2. Citations and explanations

see separate sheet

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## Re Item V.

1 Reference is made to the following document:

D1: WO 01/70646 A (SOFITECH N.V; SCHLUMBERGER CANADA LIMITED; COMPAGNIE DES SERVICES DOWE) 27 September 2001

## 2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

  Document D1 discloses (the references in parentheses applying to this document):
  - a. a cementing composition for an oil well or the like, based on Portland cement, silica and alumina, characterized that the mineralogical composition of the cement matrix is included in the Si-Ca-Al triangle in one of the margarite hauyne [epidote/pumpellyite], hauyne prehnite [epidote/pumpellyite] and hauyne prehnite pectolite triangles (claim 1);
  - b. a composition according to claim 1 (of D1), in which the mineralogical composition is within the Si-Ca-Al triangle approximately in the zone delimited by silica between 35% and 50%, aluminium between 20% and 38% and calcium between 25% and 35% (claim 2);
  - c. compositions of the invention comprising 30% to 80% of micro-alumina and 75% to 85% of silica in the form of a mixture of silica with a grain size close to the grain size of a Portland cement (average particle size close to 20  $\mu$ m for silica and 14  $\mu$ m for cement) and micro-silica (average particle size close to 1.2  $\mu$ m); silica and alumina are also present in the form of silica/alumina microspheres having a diameter of about 100  $\mu$ m (page 6, lines 17 24).

Further, Tables 1 - 4, 7 and 8 of document D1 are cited against the present application.

2.2 The subject-matter of present independent claim 1 is regarded as not novel over the cited prior art due to the overlap between the composition triangles disclosed in D1 and the

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# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/EP2004/012189

composition triangles claimed in the present application.

2.3 Should the applicant however argue that no specific composition is disclosed in D1 explicitly falling in any of the triangles claimed in the present application, the subject-matter of claim 1 would nevertheless be regarded as not involving an inventive step within the meaning of Article 33(3) PCT. There is no technical effect to be derived from the selection of the claimed composition triangles over the prior art, therefore the criteria of selective inventions would apply in this case.

## 3 DEPENDENT CLAIMS 2-7

3.1 Dependent claims 2-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

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